



COUNTY OF LOS ANGELES
DEPARTMENT OF PUBLIC WORKS

"To Enrich Lives Through Effective and Caring Service"

900 SOUTH FREMONT AVENUE
ALHAMBRA, CALIFORNIA 91803-1331
Telephone: (626) 458-5100
<http://dpw.lacounty.gov>

GAIL FARBER, Director

ADDRESS ALL CORRESPONDENCE TO:
P.O. BOX 1460
ALHAMBRA, CALIFORNIA 91802-1460

May 10, 2011

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

Dear Supervisors:

ADOPTED

BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES

39 May 10, 2011

Sachi A. Hamai
SACHI A. HAMAI
EXECUTIVE OFFICER

**AMENDMENT NO. 3 TO LEASE AGREEMENT NO. 74741 BETWEEN
THE COUNTY OF LOS ANGELES AND RICHARD S. COULTER FOR
EXTENSION OF THE TIME ALLOTTED TO COMPLETE CONSTRUCTION
AT WHITEMAN AIRPORT IN PACOIMA
(SUPERVISORIAL DISTRICT 3)
(4 VOTES)**

SUBJECT

This action is to approve and instruct the Mayor to sign Amendment No. 3 to Lease Agreement No. 74741 between the County of Los Angeles and Richard S. Coulter for extension of the time allotted to complete the construction of commercial aircraft hangars at Whiteman Airport in Pacoima.

IT IS RECOMMENDED THAT YOUR BOARD:

Approve and instruct the Mayor to sign Amendment No. 3 to Lease Agreement No. 74741 between the County of Los Angeles and Richard S. Coulter for extension of the time allotted to complete the construction of commercial aircraft hangars at Whiteman Airport in Pacoima.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

The purpose of the recommended action is to extend the time allotted to complete the construction of commercial aircraft hangars at Whiteman Airport and waive accrued penalties associated with construction delays. Additional requirements were imposed by the Los Angeles County Fire Department (County Fire Department) including the installation of an additional fire hydrant and related waterlines and a fire access gate not previously required by the City of Los Angeles Fire

Department (City Fire Department). Typically the City Fire Department has jurisdiction for developments at Whiteman Airport. However, in its review of this development prior to issuing a certificate of occupancy, Los Angeles County Building and Safety included the City Fire Department and the County Fire Department, which subsequently imposed the additional requirements.

Implementation of Strategic Plan Goals

The Countywide Strategic Plan directs the provision of Community and Municipal Services (Goal 3). The construction currently underway will provide a commercial hangar facility for airport businesses, will support the strategy of providing quality public works infrastructure to our communities, and will support our strategy of fiscal responsibility by using funds from outside sources to increase the County of Los Angeles' (County) funding sources.

FISCAL IMPACT/FINANCING

There will be no impact to the County General Fund. All costs associated with the current development are the responsibility of the lessee. Consistent with the terms described in Amendment No. 2 to Lease Agreement No. 74741, an estimated \$21,000 in penalties have accrued since October 2010 due to construction delays. As the delays are due to unexpected requirements of the Fire Department, the Department of Public Works concurs with the lessee's request to waive the accrued penalties.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

Amendment No. 3 to Lease Agreement No. 74741 (Amendment No. 3) has been reviewed and approved as to form by County Counsel.

ENVIRONMENTAL DOCUMENTATION

In accordance with Section 15378(b)(4) of the California Environmental Quality Act (CEQA) Guidelines, approval of Amendment No. 3 does not constitute a project and, hence, is not subject to the requirements of CEQA.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

Approval of Amendment No. 3 will have no impact on current services or projects at Whiteman Airport.

CONCLUSION

Please return three adopted copies of this letter to the Department of Public Works, Aviation Division.

The Honorable Board of Supervisors
5/10/2011
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Respectfully submitted,

A handwritten signature in cursive script that reads "Gail Farber".

GAIL FARBER
Director

GF:RLS:cmb

Enclosures

c: Auditor-Controller
Chief Executive Office (Rita Robinson)
County Assessor
County Counsel (Adrienne Byers)
Executive Office

AMENDMENT NO. 3 TO LEASE AGREEMENT NO. 74741
TO PROVIDE FOR AN EXTENSION OF THE TIME ALLOTTED
TO COMPLETE CONSTRUCTION AT
WHITEMAN AIRPORT, PACOIMA, CALIFORNIA

THIS AMENDMENT NO. 3 TO LEASE NO. 74741 for the extension of
time allotted to complete construction is made and entered into this 10 day
of May 2011,

BY AND BETWEEN

COUNTY OF LOS ANGELES, a body
corporate and politic (hereinafter
referred to as COUNTY),

AND

RICHARD S. COULTER (hereinafter
referred to as LESSEE),

WITNESSETH:

WHEREAS, COUNTY and APIP 60, LLC entered into Lease Agreement
No. 74741 on January 20, 2004, for 38,950 square feet of unimproved land for
the construction, development and management of a hangar and office facility
(the PROJECT) at Whiteman Airport, Pacoima, California; and

WHEREAS, Lease Agreement No. 74741 was assigned to Richard S.
Coulter (LESSEE) on March 15, 2004; and

WHEREAS, Amendment No. 1 to Lease Agreement No. 74741 was
adopted on February 1, 2005, for an additional 3,220 square feet of unimproved
land to be used as vehicle and equipment parking; and

WHEREAS, Amendment No. 2 to Lease Agreement No. 74741 was
adopted on September 29, 2009, to include an additional 39,500 square feet of
improved land for the construction, development, and management of additional
hangar space (to accommodate the United States Marshals Service Technical
Operations Group, commercial aeronautical service providers, and/or aircraft
storage), office space, ramp area for aircraft staging and parking, and vehicle
parking space (described herein as the PROJECT); and

WHEREAS, LESSEE desires to extend the time allotted to complete
construction of the PROJECT as described in Section 4 of Lease Agreement
No. 74741, as amended, to install a fire hydrant and fire access gate consistent

WHEREAS, the COUNTY desires to extend the time allotted to complete construction.

NOW, THEREFORE, in consideration of the payment of rental and performance of the terms, covenants, and conditions hereinafter contained, to be kept and performed by the respective parties hereto, it is mutually agreed as follows:

1. **SECTION 4 – RENTS AND FEES** is amended to indicate that the LESSEE shall have seven hundred twenty (720) days from the Board's approval of Amendment No. 2 to complete construction (defined as the Certificate of Occupancy) of the PROJECT. In the event the PROJECT is not completed within that time period, LESSEE shall pay to COUNTY in addition to the unabated monthly rent a penalty in the amount of \$2,159.84, payable each month, until the PROJECT is completed.

2. This Amendment No. 3 shall be effective as of the date of approval by the County Board of Supervisors.

3. It is mutually understood and agreed that all other terms and conditions and provisions of the original Lease Agreement No. 74741 shall remain in full force and effect, except as herein expressly modified.

The remainder of this page intentionally left blank.

IN WITNESS WHEREOF, the Lessee has executed this Amendment No. 3 to Lease No. 74741, or caused it to be duly executed, and the County of Los Angeles, by order of its Board of Supervisors, has caused this Amendment No. 3 to be executed on its behalf on the day, month, and year first written above.

COUNTY OF LOS ANGELES

By Mike Antonovich
Mayor, County of Los Angeles

ATTEST:

SACHI A. HAMAI
Executive Officer of the
Board of Supervisors of the
County of Los Angeles



I hereby certify that pursuant to
Section 25103 of the Government Code,
delivery of this document has been made.

SACHI A. HAMAI
Executive Officer
Clerk of the Board of Supervisors

By Antal
Deputy

By Antal
Deputy

APPROVED AS TO FORM:

ANDREA SHERIDAN ORDIN
County Counsel

By Adrienne Byers/Dr
Deputy

AGREED:

RICHARD S. COULTER

By Richard S. Coulter
Lessee

ADOPTED
BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES

#89

MAY 10 2011

Hamai
SACHI A. HAMAI
EXECUTIVE OFFICER

State of California

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County of Los Angeles

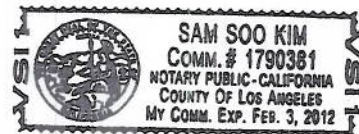
On APRIL 12, 2011 before me, Sam Soo Kim, Notary Public, personally appeared RICHARD SAWTELLE COUTER 11

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal

Signature 111 SS (Seal)



----- Optional Information -----

The information below is not required by law. However, it could prevent fraudulent attachment of this acknowledgment to an unauthorized document.

CAPACITY CLAIMED BY SIGNER(PRINCIPAL)

DESCRIPTION OF ATTACHED DOCUMENT

- ☐ INDIVIDUAL
☐ CORPORATE OFFICER

TITLE OR TYPE OF DOCUMENT

TITLE(S)

- ☐ PARTNER(S)
☐ ATTORNEY-IN-FACT
☐ TRUSTEE(S)
☐ GUARDIAN/CONSERVATOR
☐ OTHER: _____

NUMBER OF PAGES

DATE OF DOCUMENT

SIGNER IS REPRESENTING:
NAME OF PERSON OR ENTITY(ES)

OTHER

THUMBPRINT
OF
SIGNER

